



City of Marietta Meeting Minutes CITY COUNCIL

205 Lawrence Street
Post Office Box 609
Marietta, Georgia 30061

William B. Dunaway, Mayor
Annette Paige Lewis, Ward 1
Griffin "Grif" L. Chalfant, Jr., Ward 2
Holly Marie Walquist, Ward 3
Irvan A. "Van" Pearlberg, Ward 4
Rev. Anthony C. Coleman, Ward 5
James W. King, Ward 6
Philip M. Goldstein, Ward 7

Monday, November 19, 2007

7:00 PM

Council Chamber

Presiding: William B. Dunaway

Present: Philip M. Goldstein, Jim King, Rev. Anthony Coleman, Holly Walquist, Grif Chalfant, Annette Lewis and Van Pearlberg

Also Present:

William F. Bruton, City Manager

Douglas R. Haynie, City Attorney

Stephanie Guy, City Clerk

CALL TO ORDER:

Mayor William B. Dunaway called the meeting to order at 7:02 p.m.

INVOCATION:

Mayor Dunaway called upon Council member Annette Lewis to give the invocation.

PLEDGE OF ALLEGIANCE:

Mayor Dunaway called upon State Representative Terry Johnson to lead the pledge of allegiance.

PRESENTATIONS:

20071302 Presentation honoring Linda Curly for heroic deed

Presentation of a plaque by Mayor Bill Dunaway and Fire Chief Jackie Gibbs to Linda Curly for heroic deed on July 6, 2007 when she entered a burning building, extinguished a fire and rescued a small child.

This matter was Presented.

20071300 National Recognition for Best Local Government Electronic Newsletter

Presentation of award by 3CMA, City-County Communications Marketing Association to Matthew Daily, Public Information Officer for best local government electronic newsletter in America.

This matter was Presented.

20071326 Marietta Citizens' Police Academy Graduates

2007 Graduates from the Marietta Citizens' Police Academy are

DeeAnn Armfield

Kraig Armstrong

Cynthia Dorris

Dennis Greene

Judy Greene

Stanley Herndon

Ralph Laughter

Cheryl McKay

Betty Michalski

Mary Moore

David Salter

Charlotte Shepherd

This matter was Presented.

PROCLAMATIONS:**20071274 Samuel Elliott**

Proclamation honoring Samuel Elliott for his years of service on the Board of Zoning Appeals.

This matter was Read.

ANNOUNCEMENTS OF GENERAL COMMUNITY INFORMATION BY THE MAYOR, COUNCIL AND/OR CITY MANAGER:**CONSENT AGENDA:**

Consent agenda items are marked by an asterisk (*). Consent items are approved by majority of council. A public hearing will be held only for those items marked by an asterisk that require a public hearing (also noted on agenda).

Mayor Dunaway briefly explained the consent agenda process. The following amendments were made to the consent agenda:

A motion was made by Council member Goldstein, seconded by Council member King, to suspend the rules of order to add an item to the consent agenda to Deny the claim submitted in the name of Charlie Bell Lowe. The motion carried by the following vote:

Vote: 7 - 0 - 0

(See agenda item 20071348)

Approved

-under Minutes: Agenda item 20071183 was amended to read, " Motion to approve the October 10, 2007 regular meeting minutes, with the addition of comments made by Council member Philip M. Goldstein."

- under Ordinances: Agenda item 20071121 was amended as follows: Motion to approve the annexation request with the following amendment: The language of the motion should read, "...requests annexation of property located in Land Lot 0260, District 19, Parcels 0030 and being known as 1010 Powder Springs Road..."

-under Ordinances: Agenda item 20071122 was amended as follows: Motion to approve this matter with the following amendment: The motion should read, "...proposes to designate the Future Land Use of said property as (Low Density Residential)."

-under Ordinances: Agenda item 20071070 was added to the consent agenda and should show Council members King and Pearlberg voting against.

-under Judicial/Legislative: Agenda item 20071237 should show Council member Goldstein voting against.

-under Other Business: Agenda item 20071286 was added to the consent agenda and amended as follows: Variance from the Tree Ordinance based upon the following three (3) conditions: 1) The final plans shall be brought back to the City staff for approval, with City Council having 48 hours to make comments, 2) The applicant shall be given credit for trees planted in the right of way immediately adjacent to the property, 3) any deficiency remaining in the Tree Ordinance shall be made up upon adjoining properties.

-under Other Business: Agenda item 20071301 was amended to read, " Motion to allow the marking of four parking spaces for Future Resident Parking for Dorsey Manor with the stipulation that up to two would remain marked until further action of City Council."

-under Other Business: Agenda items 20071184 and 20071273 were added to the consent agenda.

Mayor Dunaway opened the public hearing for items on the consent requiring a public hearing. Seeing no one wishing to speak, the public hearing was closed.

A motion was made by Council member Walquist, seconded by Council member Lewis, to approve the consent agenda as modified. The motion unanimously carried by the following vote:

Vote: 7 - 0 - 0

Approved

with the following exceptions:

-Council members Pearlberg and King voting against agenda item 20071070.

-Council members Pearlberg and Walquist voting against agenda item 20071090.

-Council member Goldstein voting against agenda item 20071237.

-Council member Goldstein abstaining on agenda item 20071254

MINUTES:

*

20071183

Regular Meeting - October 10, 2007

Review and approval of the October 10, 2007 regular meeting minutes.

Motion to approve the October 10, 2007 regular meeting minutes, with the addition

of comments made by Council member Philip M. Goldstein.

This Matter was Approved on the Consent Agenda.

Vote: 7 - 0 - 0

Approved

MAYOR'S APPOINTMENTS:

CITY COUNCIL APPOINTMENTS:

ORDINANCES:

20070587 Z2007-11 REZONING - Lost Mountain Enterprises, Inc. 397 and 401 Roselane; 281, 271, 261, 251 White Street from R-2 (single Family Residential to OI (Office Institutional))

Z2007-11 [REZONING] LOST MOUNTAIN ENTERPRISES, INC. requests rezoning for property located in Land Lots 1003 and 1014, District 16, Parcels 1010, 1200, 0250, 0260, 0270 and 0280 and being known as 397 and 401 Roselane Street and 281, 271, 261 and 251 White Street from R-2 (Single Family Residential) to OI (Office Institutional). Ward 4.

Mayor Dunaway opened the public hearing. City Attorney Douglas Haynie explained the rules of order for rezoning hearings.

Kevin Moore, attorney for the applicant, requested that this matter be tabled until the next Council meeting.

Mayor Dunaway closed the public hearing.

A motion was made by Council member King, seconded by Council member Coleman, to table this matter until the next Council meeting, with the applicant being responsible for the advertising costs.

A substitute motion was made to table this matter until the next Council meeting, with the applicant being responsible for the advertising costs. Further, this matter shall be added to the next regular scheduled Planning Commission meeting agenda prior to being added to the City Council agenda.

A motion was made by Council member Pearlberg, seconded by Council member King, that this matter be Tabled. The motion carried by the following vote:

Vote: 7 - 0 - 0

Tabled

*** 20070965 Z2007-17 [REZONING] Circle A Fences, Inc. a portion of 1589 Canton Road, 698 Collins Road, 639 Collins Road, 643 Collins Road, 655 Collins Road and 663 Collins Road**

Ord 7106 Z2007-17 [REZONING] CIRCLE A FENCES, INC., requests rezoning in LL 08540, Dist 16: Portion of 1589 Canton Rd (Pcl 014), General Commercial (County) to Community Retail Commercial(City); 698 Collins Rd, Pcl 002, Single Family Residential(County) to Community Retail Commercial(City); 639

Collins Rd, Pcl 010, 643 Collins Rd, Pcl 011 and 655 Collins Rd, Pcl 012, Single Family Residential(City) to Light Industrial(City); 663 Collins Rd, Pcl 013, Single Family Residential(County) to Light Industrial(City) w/variances and all associated right-of-way. Ward 6.

This Matter was Approved on the Consent Agenda.

Vote: 7 - 0 - 0

Approved

- * **20070966 A2007-05 [ANNEXATION] Circle A Fences, Inc. a portion of 1589 Collins Road, 663 Collins Road, 698 Collins Road**

Ord 7104 A2007-05 [ANNEXATION] CIRCLE A FENCES, INC. requests annexation for properties located in Land Lot 08540, District 16, as follows: a portion of 1589 Canton Road (Parcel 014), 698 Collins Road (Parcel 002) and 663 Collins Road (Parcel 013), and all associated right-of-way for each address, in the 2nd Section, Cobb County, Georgia consisting of 2.70 acres. Ward 6.

This Matter was Approved on the Consent Agenda.

Vote: 7 - 0 - 0

Approved

- * **20070967 CA2007-21 [CODE AMENDMENT] Circle A Fences, Inc. a portion of 1589 Canton Road, 663 Collins Road and 698 Collins Road proposed designation for the Future Land Use of said property is IW (Industrial Warehousing).**

Ord 7107 CA2007-21 [CODE AMENDMENT] CIRCLE A FENCES, INC. in conjunction with the requested annexation of properties located in Land Lot 08540, District 16, as follows: a portion of 1589 Canton Road (Parcel 014); 698 Collins Road (Parcel 002); and, 663 Collins Road (Parcel 013), 2nd Section, Marietta, Cobb County, Georgia, the City of Marietta proposes to designate the Future Land Use of said property as IW (Industrial Warehousing). Ward 6.

This Matter was Approved on the Consent Agenda.

Vote: 7 - 0 - 0

Approved

- 20071120 Z2007-20 J & J Construction Group, Inc. 1010 Powder Springs Road**

Ord 7105 Z2007-20 [REZONING] J & J CONSTRUCTION GROUP requests rezoning for property located in Land Lot 0260, District 19, Parcels 0030 and being known as 1010 Powder Springs Road from R-20 [Single Family Residential (County)] to R-2 [Single Family Residential (City)]. Ward 2.

Mayor Dunaway opened the public hearing. City Attorney Douglas Haynie swore in those wishing to speak.

Melissa Haistens, attorney for the applicant, requested rezoning for property located at 1010 Powder Springs Road from R-20 [Single Family Residential (County)] to R-2 [Single Family Residential (City)]. Mrs. Haistens mentioned that a project has not been proposed, however the applicant would like to move forward with rezoning and annexation of the property.

Speakers in opposition:

Roy Kellett, who resides at 1224 Murraby Circle, opposed annexation of the subject property without a detailed plan attached. He would like the property to remain residential and not changed later.

Cindy Bee, who resides at 1041 Wilburn Drive, agreed with Mr. Kellett.

In rebuttal, Mrs. Haistens mentioned that currently the applicant is requesting that the subject property be rezoned R-2 [Single Family Residential (City)]. No plans have been made for the property in the future.

Mayor Dunaway closed the public hearing.

A motion was made by Council member Chalfant, seconded by Council member Goldstein, that this matter be Approved. The motion carried by the following vote:

Vote: 4 - 3 - 0

Approved

Vote Against: 3 - Jim King, Van Pearlberg and Holly Walquist

20071121 A2007-08 Melvin Clark, a/k/a John Melvin Clark, a/k/a J. M. Clark, Deceased (Mary C. Bryan, Exector of Last Will and Testament of John Melvin Clark) 1010 Powder Springs Road

Ord 7108 A2007-08 [ANNEXATION] Melvin Clark, a/k/a John Melvin Clark, a/k/a J. M. Clark, Deceased (Mary C. Bryan, Executor of Last Will and Testament of John Melvin Clark) requests annexation for property located in Land Lot 0260, District 19, Parcels 0030 and being known as 1010 Powder Springs Road from R-20 [Single Family Residential (County)] to R-2 [Single Family Residential (City)]. Ward 2.

Mayor Dunaway opened the public hearing. Seeing no one wishing to speak, the public hearing was closed.

Motion to approve the annexation request with the following amendment:

-The language of the motion should read, "...requests annexation of property located in Land Lot 0260, District 19, Parcels 0030 and being known as 1010 Powder Springs Road..."

A motion was made by Council member Goldstein, seconded by Council member Chalfant, that this matter be Approved as Amended. The motion carried by the following vote:

Vote: 4 - 3 - 0

Approved as Amended

Vote Against: 3 - Jim King, Van Pearlberg and Holly Walquist

20071122 CA2007-27 (A2007-08) Melvin Clark, a/k/a John Melvin Clark, a/k/a J. M. Clark, deceased (Mary C. Bryan, Executor of Last Will and Testament of John Melvin Clark) 1010 Powder Springs Road.

Ord 7109 CA2007-27 (A2007-08)[CODE AMENDMENT] Melvin Clark, a/k/a John Melvin Clark, a/k/a J. M. Clark, deceased (Mary C. Bryan, executor of Last Will and testament of John Melvin Clark) in conjunction with the requested annexation of

property located in Land Lot 0260, District 19, Parcel 0030, 2nd Section, Marietta, Cobb County, Georgia, the City of Marietta proposes to designate the Future Land Use of said property as LDR (Low Density Residential). Ward 2.

Mayor Dunaway opened the public hearing. Seeing no one wishing to speak, the public hearing was closed.

Motion to approve this matter with the following amendment:

-The motion should read, "...proposes to designate the Future Land Use of said property as LDR (Low Density Residential)."

A motion was made by Council member Goldstein, seconded by Council member Chalfant, that this matter be Approved as Amended. The motion carried by the following vote:

Vote: 4 - 3 - 0

Approved as Amended

Vote Against: 3 - Jim King, Van Pearlberg and Holly Walquist

20071230

Z2007-22 City of Marietta 321 Cole Street

Ord 7110

Z2007-22 [REZONING] CITY OF MARIETTA requests rezoning for property located in Land Lot 11450, District 16, Parcel 2220, and being known as 321 Cole Street from R-4 (Single Family Residential) to OI (Office Institutional). Ward 5.

Mayor Dunaway opened the public hearing. Seeing no one wishing to speak, the public hearing was closed.

A motion was made by Council member King, seconded by Council member Coleman, that this matter be Approved. The motion carried by the following vote:

Vote: 6 - 0 - 1

Approved

Abstain: 1 - Philip M. Goldstein

*** 20071070**

CA2007-26 Amendment to the Comprehensive Development Code.

Ord 7111

CA2007-26 [CODE AMENDMENT] Proposal to amend the Comprehensive Development Code of the City of Marietta, Divisions 708.09, 708.14, 708.19, 708.20 and 708.28 relating to Four-Sided Architecture

This Matter was Approved on the Consent Agenda.

Vote: 5 - 2 - 0

Approved

Voting Against: Jim King and Van Pearlberg

*** 20071254**

Code Enforcement - 855 Whitlock Avenue

Ord 7112

An ordinance authorizing the removal of overgrown grass, weeds and obnoxious vegetation, along with trash and debris, rendering sanitary property in the corporate limits of the City of Marietta, Georgia at 855 Whitlock Avenue.

Owner: Trico Petroleum, Inc.

Certified mail receipt received on 09/12/07, unsigned.

Taxes paid: Yes

PUBLIC HEARING REQUIRED

Philip M. Goldstein abstaining

This Matter was Approved on the Consent Agenda.

Vote: 7 - 0 - 0

Approved

RESOLUTIONS:**CITY ATTORNEY'S REPORT:**

- * **20071272 Denial of a claim**
Denial of a claim of Matthew Schulz.

This Matter was Approved to Deny Claim on the Consent Agenda.

Vote: 7 - 0 - 0

Approved to Deny Claim

CITY MANAGER'S REPORT:**MAYOR'S REPORT:****COMMITTEE REPORTS:**

1. Economic/Community Development: Grif Chalfant, Chairperson

2. Finance/Investment: Annette Lewis, Chairperson

3. Judicial/Legislative: Philip M. Goldstein, Chairperson

- * **20071090 Home Occupation Permits**
Ord 7119 CA2007-28 [CODE AMENDMENT] Proposal to amend the Comprehensive Development Code of the City of Marietta, Section 712.04, Home Occupations.

Motion to authorize advertisement to amend the Comprehensive Development Code of the City of Marietta, Section 712.04, Home Occupations.

This Matter was Approved on the Consent Agenda.

Vote: 5 - 2 - 0

Approved

Voting Against: Van Pearlberg and Holly Walquist

- * **20071202 Detailed Plan for 44 Griggs Street**
Motion to approve the Detailed Plan for 44 Griggs Street with the following stipulations: 1) no sidewalk be required along the frontage of the home. 2) Plan dated 9/12/07 for 44 Griggs St. be revised to show a dedication of 6 feet along Griggs Street be made. The words "sidewalk easement" shall be replaced with the words "6 foot right of way dedication to the City of Marietta for the future construction of a 5 foot sidewalk". 3) Property owner shall allow for a temporary construction easement of 1 foot behind the right of way along Griggs St. for the construction of sidewalk.

This Matter was Approved on the Consent Agenda.

Vote: 7 - 0 - 0

Approved

20071210 Detailed Plan for Highland Trace Apartments

Motion to approve the Detailed Plan for Highland Trace Apartments contingent upon an agreement that would allow Code Enforcement to enter the gated community and perform a windshield inspection of apartment homes.

Motion to approve the Detailed Plan for Highland Trace Apartments contingent upon an agreement that would allow Code Enforcement to enter the gated community and perform a windshield inspection of apartment homes. The following documents were also incorporated as conditions of approval:

- 1) Consent Agreement signed by the applicant giving the City the right to inspect the apartment units.*
- 2) Stipulations prepared by Dan Conn, Acting Public Works Director for the City and Richard King, Civil Engineer for the City.*
- 3) Three letters regarding this matter dated October 15, 2007, October 18, 2007 and November 12, 2007, all signed by the applicant.*

A motion was made by Council member King, seconded by Council member Walquist, that this matter be Approved as Stipulated. The motion carried by the following vote:

Vote: 6 - 1 - 0

Approved as Stipulated

Vote Against: 1 - Philip M. Goldstein

20071287 V2007-43 Highland Trace Apartments 1019 and 1029 Franklin Road

V2007-43 HIGHLAND TRACE APARTMENTS approval of the variance request for property located in Land Lot 07160, District 17, Parcels 0014 and 0060 and being known as 1019 Franklin Road and 1029 Franklin Road for a variance to install a security gate at entrance of apartment complex, with the stipulation that the security gate is in compliance with the City Code except the approved plat would be recorded with Cobb County deed of records.

Motion to approve the variance request for property located in Land Lot 07160, District 17, Parcels 0014 and 0060 and being known as 1019 Franklin Road and 1029 Franklin Road for a variance to install a security gate at entrance of apartment complex, with the stipulation that the security gate is in compliance with the City Code except it would be the approved plat recorded with Cobb County deed of records.

A motion was made by Council member Goldstein, seconded by Council member King, that this matter be Approved as Stipulated. The motion carried by the following vote:

Vote: 7 - 0 - 0

Approved as Stipulated

*

20071211 Zoning stipulations for architectural review

Motion to approve the exterior elevations for Comfort Suites at 1183 and 1185 Franklin Road and Waffle House at 2120 Kingston Court.

This Matter was Approved on the Consent Agenda.

Vote: 7 - 0 - 0

Approved

* **20071237 Forest Avenue Manor Revised Detailed Plan**

Motion to approve the Forest Avenue Manor Revised Detailed Plan with the following stipulations

1. A reduction in the required parking pad lengths for lots 33, 34, 35 and 36 from 20 feet to 17 feet.
2. The developer's agreement that the Homeowners Association Covenants will prohibit large parked vehicles in driveways extending into roadways.
3. The plans reflect guest on site parking spaces within Forest Avenue Manor residential community.
4. The retaining walls in front of lots 26 through 36 will not exceed five (5') feet in height.
5. The openings in the wall to the street will be a minimum of four (4') feet wide and there will be one such opening in front of each of the lots for lots 26 through 36.
6. There shall be no parking other than on the parking pads in front of the garage and in designated parking spaces marked on the detailed plan last revised July 11, 2007.

This Matter was Approved on the Consent Agenda.

Vote: 6 - 1 - 0

Approved

Voting Against: Philip M. Goldstein

4. Parks, Recreation and Tourism: Holly Walquist, Chairperson

5. Personnel/Insurance: Van Pearlberg, Chairperson

* **20071115 Civil Service Board - Post 3**

Motion to re-appoint Leon King to the Civil Service Board (Post 3) for a three year term beginning January 1, 2008 and expiring December 31, 2010.

This Matter was Approved on the Consent Agenda.

Vote: 7 - 0 - 0

Approved

* **20071226 Amend City/BLW Pay Plan**

Ord 7113

Approval of an Ordinance amending City Code Section 4-4-28-160 Definitions (C) to allow the City Manager to compensate new employees classified as Executives on the approved City/BLW pay plan to be compensated at any rate within the pay group/grade for the position.

This Matter was Approved on the Consent Agenda.

Vote: 7 - 0 - 0

Approved

6. Public Safety Committee: Anthony Coleman, Chairperson

* **20071187 Standard Operating Procedures**

Motion to adopt amendments to departmental policies A016 Code of Ethics, A046 GCIC & NCIC Computer Systems, A052 Detention & Housing of Detainees, A052 Assignments, A060 Evidence and Property Management, A076 Personnel Early Warning System, C030 Law Enforcement Explorer Program, E011 Bomb Incident Management, E015 Emergency Operations, P010 Patrol Operations, P044 Police Vehicles, P045 Search and Seizures, P055 Selective Traffic Enforcement Program, S020 Canine Unit, S030 Criminal Investigations, and T050 Training in order to maintain CALEA Accreditation.

This Matter was Approved on the Consent Agenda.

Vote: 7 - 0 - 0

Approved

7. Public Works Committee: Jim King, Chairperson

* **20071212 1994 SPLOST Allocation**

C/A 3489

Motion to amend the 1994 SPLOST budget allocations.

This Matter was Approved on the Consent Agenda.

Vote: 7 - 0 - 0

Approved

* **20071214 540 Water Birch Way**

C/A 3483

Motion to approve a variance from the Stream Buffer Ordinance for property on 540 Water Birch Way, pending approval of a deed restriction for the Maintenance Agreement by the Public Works Department for mitigation measures and deed restriction for maintenance agreement.

This Matter was Approved on the Consent Agenda.

Vote: 7 - 0 - 0

Approved

* **20071215 Roswell Street Right of Way at Cobb Library**

C/A 3481

Motion to approve the agreement authorized by the Cobb County Commissioners for the use of property along Roswell Street for the Roswell Street expansion project.

This Matter was Approved on the Consent Agenda.

Vote: 7 - 0 - 0

Approved

* **20071249 Purchase of Property - 47 Gramling Street**

Motion to authorize the purchase of a portion of the property located at 47 Gramling Street for \$5,200 from Cobb Pregnancy Services.

This Matter was Approved on the Consent Agenda.

Vote: 7 - 0 - 0

Approved

* **20071189 Condemnation of Property - 567 and 595 Roswell Street**

Motion to authorize the City Attorney to file eminent domain proceedings regarding the property known as 567 and 595 Roswell Street and to authorize the City Attorney to take any and all action in order to acquire the permanent easements, construction easements, fee simple title and all other interests needed for the project, including the authority to take any and all action necessary or proper to carry out this motion, including the authority to file any appeals deemed necessary or appropriate related to this matter.

This Matter was Approved on the Consent Agenda.

Vote: 7 - 0 - 0

Approved

* **20070940 Haley Street at South Avenue**

Motion to approve two additional stop signs at intersection of Haley Street and South Avenue to create a three-way stop.

This Matter was Approved on the Consent Agenda.

Vote: 7 - 0 - 0

Approved

20071233 Trolley Proposal

Motion to approve placing Trolley Tour signs on existing loading zone sign posts within the Downtown area.

Mayor Dunaway called forward those wishing to speak.

Charles Holloway, Manager of Winans Fine Chocolates and Coffees, requested to delay this matter until further details could be obtained. Mr. Holloway expressed concern regarding the length of time the trolley would be parked near his business and how often the trolley would run.

Discussion was held. Council member Goldstein explained that the only matter being considered was to allow Trolley Tour signs to be placed on existing loading zone sign posts within the Downtown area.

Motion to table this matter until the next regular City Council meeting.

A motion was made by Council member Coleman, seconded by Council member King, that this matter be Tabled. The motion carried by the following vote:

Vote: 5 - 2 - 0

Tabled

Vote Against: 2 - Van Pearlberg and Holly Walquist

SCHEDULED APPEARANCES:

UNSCHEDULED APPEARANCES:

Mayor Dunaway called forward those wishing to speak.

Gregory Sedwick, who owns a business on Roswell Street, expressed concern regarding the condemnation of Property at 567 and 595 Roswell Street, which would affect his business.

OTHER BUSINESS:

*** 20071286 V2007-42 Emerson Overlook, LLC 326 Roswell Street**

V2007-42 EMERSON OVERLOOK variance approval for property located in Land Lot 12330, 16th District, Parcel 53, 2nd Section of Cobb County, Marietta, Georgia and being located at 326 Roswell Street to reduce required 40' buffer to zero and variance from the Tree Ordinance based upon the following three (3) conditions:

- 1) The final plans shall be brought back to the City staff for approval, with City Council having 48 hours to make comments.
- 2) The applicant shall be given credit for trees planted in the right-of-way immediately adjacent to the property.
- 3) Any deficiency remaining in the tree count (based upon the Tree Ordinance) shall be made up upon adjoining properties.

Motion to approve the variance request with the following amendment:

-Add a variance from the Tree Ordinance based upon the following three (3) conditions: 1) The final plans shall be brought back to the City staff for approval, with City Council having 48 hours to make comments, 2) The applicant shall be given credit for trees planted in the right of way immediately adjacent to the property, 3) any deficiency remaining in the Tree Ordinance shall be made up upon adjoining properties.

This matter was Approved as Amended.

*** 20071301 Requesting approval of the amended Detailed Plan for Dorsey Manor**

Motion to allow the marking of four parking spaces for Future Resident Parking for Dorsey Manor with the stipulation that up to two would remain marked.

Motion to allow the marking of four parking spaces for Future Resident Parking for Dorsey Manor with the stipulation that up to two would remain marked until further action of City Council.

This Matter was Approved on the Consent Agenda.

Vote: 7 - 0 - 0

Approved

*** 20071268 Appointment of Additional Associate Solicitor**

Appointment of additional solicitor's for the Marietta Municipal Court.

This Matter was Approved on the Consent Agenda.

Vote: 7 - 0 - 0

Approved

- * **20071271** **Remington**
C/A 3482 Motion approving Remington lease notification extension for an additional 90 days.
This Matter was Approved on the Consent Agenda.
Vote: 7 - 0 - 0 **Approved**
- * **20071184** **Committee of the Whole Meeting - October 8, 2007**
Review and approval of the October 8, 2007 Committee of the Whole meeting minutes.
This Matter was Approved on the Consent Agenda.
Vote: 7 - 0 - 0 **Approved**
- * **20071273** **BLW Actions of November 12, 2007**
Review and approval of the November 12, 2007 actions and minutes of the Marietta Board of Lights and Water Works (BLW).
This Matter was Approved on the Consent Agenda.
Vote: 7 - 0 - 0 **Approved**
- * **20071348** **Denial of Claim**
Denial of a claim of Charlie Bell Lowe.
This Matter was Approved on the Consent Agenda.
Vote: 7 - 0 - 0 **Approved**

ADJOURNMENT:

The meeting was adjourned at 8:22 p.m.

Date Approved: 12/12/2007

William B. Dunaway, Mayor

Attest: _____
Stephanie Guy, City Clerk